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THE ILLINOIS LEGISLATURE OF 1913

The Forty-eighth General Assembly of the state of Illinois met in January, 1913, under unusual political conditions, which indicated important changes in legislative policy. After sixteen years of Republican control, a Democratic state administration had been elected; and a plurality of the newly elected members of both branches of the legislature were also Democrats. At the same time, under the system of cumulative voting for the House of Representatives, the new Progressive party had elected a strong contingent, and no party group controlled that house; while the hold-over Republicans in the Senate, with two Progressives, produced the same lack of any party majority in that house also.

Under these conditions there were protracted delays in the organization of the legislature and in the election of two United States senators. These delays, with the failure to form any consistent majority or coherent leadership, resulted in a session which lasted for six months—the longest continuous legislative session in the history of the state. The legislative measures passed showed the effects of this situation in the failure of a large part of Governor Dunne's program. Nevertheless, a number of important statutes were enacted, and a general trend of policy may be discerned. Indeed, it may be said that more was accomplished than might have been expected in view of the political situation.

With reference to matters of economic interest, the following statement, from the legislative bulletin of the Illinois Manufacturers' Association, summarizes the opinion of this organization on the results of the session:

Business interests came through the Forty-eighth General Assembly remarkably well, declare old-timers in the legislative arena, when the circumstances are considered. The radicals were in the saddle at the start, and fears were entertained that a grist of legislation would come through hurtful to sound business principles. This aroused the conservative business men as well as leaders in the legislature, and they put a brake on that slowed things down and prevented the legislature from running wild. The lesson, say the politicians, is that in the future business interests will have to take a more active interest in practical politics. Politicians are inviting this, and are urging more activity

of the practical business man in political life to offset the threats of the labor forces, who were stronger in Springfield this session than any legislature in recent years.

The grist of bills include few that will be harmful to business interests, and many that would have been disastrous went to the scrap pile because of the watchfulness of the business community.

From the different, and in many respects opposing, point of view of the labor organizations, as indicated above, many desirable measures failed of passage. Yet a number of labor laws were enacted, as well as other measures supported by the labor organizations. The more impartial academic economist will feel some satisfaction in the passage of laws for the regulation of public utilities and for a state system of good roads, and in the re-enactment of the workmen's compensation act, with some amendments; but he will be disappointed at the failure of the state to take any effective steps toward tax reform. From his point of view, the results of the session may be summarized as moderately progressive.

PUBLIC UTILITIES LAW

Of the most importance for the economist was the act for the regulation of public utilities, although as passed the law contains little that is novel, and may be considered in the main as the belated extension of a policy already established in many other states. Two years ago the Illinois railroad law (originally passed in the early seventies) was amended and supplemented by provisions similar to the later amendments of the Interstate Commerce act and the more recent railroad laws of other states, which enlarged the jurisdiction of the state railroad and warehouse commission over railroads and other transportation companies operating on railroads. At this year's session there was general agreement in favor of legislation for the regulation of other public utilities, such as street railways, lighting, power, telegraph, and telephone companies. But there was a marked difference of opinion on the political question whether the regulation of local utilities should be vested in a state commission or in municipal authorities. Governor Dunne favored the latter policy; but in the bill as passed the provisions for municipal powers were stricken out, and the public control over all public utilities is vested in a state commission. In this respect, the utility

companies defeated the more radical elements in the legislature. But, in other respects, the bill was the administration measure establishing a more thorough system of public regulation than was desired by the utility companies, and it was signed by the Governor.

This act, which goes into effect January 1, 1914, provides for a state public utilities commission of five members, to be appointed by the Governor, subject to confirmation by the Senate, each member to receive an annual salary of \$10,000. This commission will replace the present railroad and warehouse commission; and on it are conferred large powers over all public utility companies, including control over accounts and reports, capitalization, rates, and services, with authority to conduct inspections, investigations, and hearings.

Public utilities are defined to include transportation, telegraph, telephone, light, heat, cold, power, electric, water, pipe-line, grain warehouse, and wharf companies. The commission has power to establish uniform systems of accounts for public utilities; and each public utility must furnish to the commission annual reports and other periodical and special reports. The purposes for which stock, bonds, and other evidences of indebtedness may be issued are defined, and the approval of the commission is required for all new issues, other than notes for less than twelve months. Capitalization of mergers and consolidations and inter-corporate contracts are also subject to the approval of the commission; and the commission is empowered to make valuations of the property of public utilities. No public utility company may establish a new plant without a certificate of public convenience and necessity from the commission.

All rates and other charges of public utilities must be reasonable; and schedules of rates must be filed with the commission and published and posted. Notice of changes in rates must be given; and the commission may suspend such rates pending a hearing. After a hearing at which any rates are proved to be unjust, unreasonable, discriminatory, or preferential, the commission may fix the just, reasonable, or sufficient rates, and may also establish and regulate through routes and joint rates. The commission is also authorized, after a hearing, to regulate the rules, equipment, facilities, and services of public utilities, and to require additions and new structures,

with provisions for the joint use of facilities, and more specific provisions as to the interchange of traffic by common carriers, for track and side-track connections, and for telephone and telegraph connections. The commission has also specific authority, after a hearing, to order safety appliances and equipment, including the abolition of grade crossings. All accidents must be reported to the commission.

Provisions of the act regulating proceedings before the commission and in the courts have been carefully worked out. An immunity clause will prevent witnesses from refusing to testify on ground of personal incrimination. Appeals from orders or decisions of the commission must be taken within thirty days to the circuit court of Sangamon County; and appeals from the judgments of the circuit court may be taken directly to the Supreme Court within sixty days; proceedings in these cases are given priority in the courts. No new or additional evidence may be introduced in such proceedings; "and a rule, regulation, order, or decision of the commission shall not be set aside unless it clearly appears that the finding of the commission was against the manifest weight of the evidence presented to or before the commission for and against such rule, regulation, order, or decision, or that the same was without the jurisdiction of the commission."

Those familiar with the public utilities laws of the other states will recognize that the main provisions of the Illinois law are similar to those of Wisconsin and New York. But many of the provisions have been influenced by a study of the laws of other states. In two important respects, the Illinois law differs from that of Wisconsin: the state commission will have no jurisdiction over municipally owned utilities; and there is no provision for indeterminate franchises. These differences leave municipalities with larger powers than under the Wisconsin law; while another act of this year authorizing municipal ownership and operation of public utilities greatly enlarges the powers of Illinois cities and villages in this direction.

NEW ROAD LAW

A general revision of the road laws provides for state aid in the construction of a system of state highways. A joint committee of

the previous general assembly had made an extended investigation of road conditions and the road laws of other states, and submitted with their report a bill for the consolidation and revision of the road laws, which proposed important changes in local road administration, and provided as well the machinery for a state road system. This bill was amended to some extent.

As passed, the new road law establishes a state highway commission of three members, to be appointed by the governor with the consent of the Senate, for terms of six years, at salaries of \$3,500 each. This commission is given general charge of the state roads to be built in co-operation with the local authorities. The state and county are to pay each 50 per cent of the cost of construction of permanent roads, and state appropriations aggregating \$1,400,000 have been made for the next two years. Provision is also made for county superintendents of highways, to be appointed from nominees of the county boards who pass the competitive examinations of the state commission. The former system of local administration remains for the management of local roads, with three highway commissioners elected in each town and road district. But an optional provision permits any town or road district to substitute a single commissioner for the three. Another act authorizes the employment of convicts on the public roads.

Both the public utilities law and the road law are significant measures in the general tendency toward the development of state regulation and more centralized administration, in which Illinois has lagged behind the other large and important states.

LABOR LEGISLATION

A revised workmen's compensation law was passed, taking the place of the law of 1911. The principal changes provide a more definite award to injured employees and establish a commission of three members to pass upon the amount awarded, in place of the county court.

The mechanics lien law, recently declared unconstitutional by the Supreme Court, has been re-enacted, with amendments to meet the objections of the court. This law gives a sub-contractor a lien on a building for which labor or material is furnished.

A general revision of the coal-mining laws was passed, and several other mining laws were enacted, to secure greater safety in mining operations. A revised miners' qualification act creates a state board of examiners for miners and requires all miners to pass an examination before beginning work. The act to establish mine rescue stations was revised, giving the mine rescue commission greater powers. The office of the state inspector of gas wells was created, to work under the state mining board.

A commission of three representatives each, of labor, employers of labor, and the public, has been authorized to investigate the causes and effects of unemployment in Illinois. Other labor laws provide for semimonthly pay days for all laboring men, increase the number of state inspectors of railroad safety appliances, require electric headlights on all railroad engines, and require washrooms for employees in shops, mills, factories, foundries, mines, and other places where the lack of such provisions endangers the health of employees.

TAX AND REVENUE MEASURES

The revenue law has been amended by providing that sinking funds for the payment of bonds and interest on bonds may be raised outside of the limitation on the total amount of taxes under the Juul law. This legalizes the former practice which had recently been declared invalid by the Supreme Court.

Efforts at more important changes in the system of taxation and its administration were unsuccessful. A bill to abolish the existing cumbrous state board of equalization and to establish a small tax commission to carry on the same work, with larger powers of supervision over local assessing officers, passed the House, but failed in the Senate. A proposed constitutional amendment, recommended by the Special Tax Commission of 1910, to permit the classification of personal property, was reported to the Senate, but failed to receive the required two-thirds vote. The governor supported the tax commission bill, but opposed the constitutional amendment in favor of another proposal for the initiative and referendum, which also failed of submission to the people, by one vote.

The provision in the state constitution which prevents the submission of amendments to more than one article at the same time has brought about such rivalry between advocates of different

amendments that a deadlock on all proposed amendments has lasted for several years. A constitutional convention to draft a general revision of the constitution seems to be needed, but this proposal also failed to secure the necessary vote in the House.

POLITICAL REFORMS

The influence of the more strictly political measures on economic problems is not always easy to trace. At the same time the relation between the two is enough to warrant some mention of the more important political changes proposed and enacted. The failure of the proposed constitutional amendments for the initiative and referendum and to do away with the cumulative system of voting for the House of Representatives indicates a continuation of conditions which will make difficult much new legislation of fundamental importance without a further decided change in public opinion as expressed at the elections. But the very conservatism of this session may prove to be the thing needed to arouse public opinion.

At the same time some measures were passed which show a tendency in the direction of further changes. The extension of the suffrage to women in municipal elections and for other statutory offices will permit the direct expression of a new factor in politics. The establishment of a legislative reference bureau should bring about some improvement in the preparation of legislative measures. The tendency toward a more centralized administration, shown in the public utility and road laws, was further indicated by an act consolidating and reorganizing the state game and fish department; while a legislative commission of four members of each house has been provided to ascertain if a more efficient and economical state government can be secured by combining other state departments.

To sum up, in conclusion: this session of the Illinois legislature shows some halting steps in the direction of both political and economic reforms. The advocate of radical changes will be much dissatisfied with the immediate results; and even many of the less radical may feel that the rate of progress is distressingly slow. Yet some signs of advance are evident; and the optimist may well feel some grounds of hope for further results before long.

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